

IN RE: PETITION FOR ADMIN. VARIANCE \* BEFORE THE  
W/S Liberty Parkway, 290'S of the \*  
c/l of York Drive \* DEPUTY ZONING COMMISSIONER  
(3459 Liberty Parkway) \*  
12th Election District \* OF BALTIMORE COUNTY  
5th Councilmanic District \* Case No. 97-146-A  
  
Mary M. Shaffer and Lucy Frate \*  
Petitioners \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for the property known as 3459 Liberty Parkway, located in the vicinity of Dundalk Avenue in Dundalk. The Petition was filed by the owners of the property, Mary M. Shaffer and Lucy Frate. The Petitioners seek relief from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6 inches in lieu of the minimum required 7.5 feet for an existing carport. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The property has been duly posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented. After due consideration of the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compli-

ORDER RECEIVED FOR FILING

Date

By

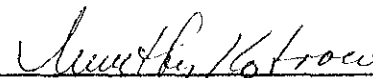
MICROFILMED

ance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24<sup>th</sup> day of October, 1996 that the Petition for Administrative Variance seeking relief from Sections 1B01.2.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6 inches in lieu of the minimum required 7.5 feet for an existing carport, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is contingent upon the carport remaining as it presently exists. The front and rear ends of the carport shall remain open and there shall be no further enclosure of the structure.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
10/24/96  
bjs



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

October 24, 1996

Ms. Mary M. Shaffer and Ms. Lucy Frate  
3459 Liberty Parkway  
Baltimore, Maryland 21222

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
W/S Liberty Parkway, 290'S of the c/l of York Drive  
(3459 Liberty Parkway)  
12th Election District - 5th Councilmanic District  
Mary M. Shaffer and Lucy Frate - Petitioners  
Case No. 97-146-A

Dear Ms. Shaffer and Ms. Frate:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File

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# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at

**97-146-A**

3459 Liberty Parkway

which is presently zoned

DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 BO/2.3.C.1 AND 301.1. A

To Allow AN open projection A setback of 6" in lieu of The Required 7.5"

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Built carport which is used for patio, 6" from line.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

Mary Marie Shaffer

(Type or Print Name)

Home 410 282 2726

Signature

Lucy Frate

(Type or Print Name)

Signature

3459 Liberty Parkway

Address

Phone No

Baltimore

MD

21222

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

MICROFILMED

Zoning Commissioner of Baltimore County

REVIEWED BY:

DATE:



Printed with Soybean Ink  
on Recycled Paper

ITEM #:

146

ESTIMATED POSTING DATE:

ORDER RECEIVED FOR FILING  
Date 11/24/96  
BY [Signature]

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 3459 Liberty Parkway  
address  
Baltimore MD 21222  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

Built carport to be used as patio. Outer frame with knee  
5/8 T-1-11. Top half vinyl lattice. Built 6" off of  
line. Will never be totally enclosed. Which is what a  
neighbor is afraid of.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Mary Marie Shaffer  
(signature)  
MARY M. SHAFFER  
(type or print name)



Lucy A. Frate  
(signature)  
LUCY A. FRATE  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of sep, 19 96, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mary Marie Shaffer - Lucy Frate

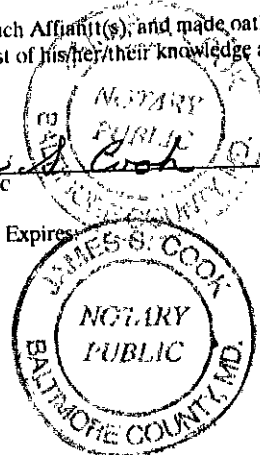
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

4-1-2000  
date 9-27-96

James S. Cook  
NOTARY PUBLIC

My Commission Expires  
4-1-2000



# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 3459 Liberty Parkway  
address  
Baltimore MD 21222  
City State Zip Code

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knee 5/8 T-1-11. Top half vinyl lattice. Built 6"  
off of line. Will never be totally enclosed. Which is what  
neighbor is afraid of.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Mary Marie Shaffer  
(signature)  
MARY MARIE SHAFFER  
(type or print name)



Lucy Frate  
(signature)  
LUCY FRATE  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

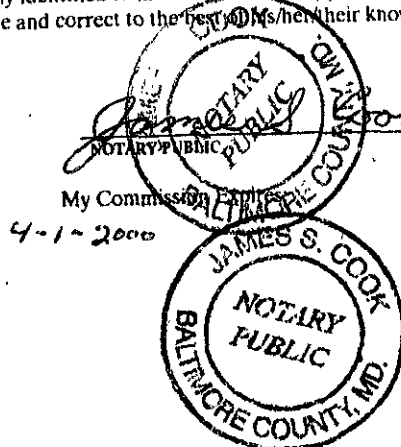
I HEREBY CERTIFY, this 27 day of Sep, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mary Marie Shaffer - Lucy Frate

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of my/his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

4-1-2000  
date 9-27-96



MICROFILMED



# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at

3459 Liberty Parkway

**97-146-A**

which is presently zoned

DR S.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 B01.2.3.C.1 AND 301.1: A

To Allow AN OPEN projection A SETBACK OF 6" IN LIEU OF THE  
Required 7.5"

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Built carport which is used for patio, 6 INCHES from line.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Mary Marie Shaffer - <sup>410-</sup>Home 282-2726

(Type or Print Name)

Signature

Lucy Frate

(Type or Print Name)

Signature

3459 Liberty Parkway

Address

Phone No.

Baltimore

MD

21222

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: CAM

DATE:

27 Sept 96

ESTIMATED POSTING DATE:

13 Oct 96



Printed with Soybean Ink  
on Recycled Paper

ITEM #:

146

97-146-A

ZONING DESCRIPTION FOR 3459 LIBERTY PARKWAY

BEGINNING AT A POINT ON THE WEST SIDE OF LIBERTY PARKWAY WHICH IS 60'-0" WIDE AT THE DISTANCE OF 290'-0" SOUTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET YORK DRIVE WHICH IS 50'-0" WIDE. BEING LOT # 10, BLOCK 3000, SECTION # 04 IN THE SUBDIVISION OF DUNDALK AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 14, FOLIO # 8, 9, CONTAINING .162 ACRES. ALSO KNOWN AS 3459 LIBERTY PARKWAY AND LOCATED IN THE 12<sup>th</sup> ELECTION DISTRICT, 5<sup>th</sup> COUNCILMANIC DISTRICT.

MICROFILMED

140



For newspaper advertising:

Item No.: 146 Petitioner: LUCY SCHAEFFER & MARY FRATE

Location: 3459 LIBERTY PARKWAY

PLEASE FORWARD ADVERTISING BILL TO:

NAME: LUCY SCHAEFFER & MARY FRATE

ADDRESS: 3459 LIBERTY PARKWAY

BALTIMORE, MD 21222

PHONE NUMBER: 410-282-2726

MICROFILMED

# CERTIFICATE OF POSTING

RE: Case No.: 97-146-A

Petitioner/Developer: Mary Shaffer  
& Lucy Frate

Date of Hearing/Closing: 10-21-96

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at 3459 Liberty Parkway  
Baltimore, Maryland 21222

The sign(s) were posted on OCT. 6, 1996  
(Month, Day, Year)

Sincerely,

Thomas P. Ogle 10/6/96  
(Signature of Sign Poster and Date)

THOMAS P. OGLE SR  
(Printed Name)

325 NICHOLSON ROAD  
(Address)

BALTIMORE, MARYLAND 21221  
(City, State, Zip Code)

(410) 687-8405  
(Telephone Number)

MICROFILMED



Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 13 Oct 96

Format for Sign Printing, Black Letters on a White Background:

Item  
146

## ZONING NOTICE

### ADMINISTRATIVE VARIANCE

Case No.: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## PUBLIC HEARING ?

**PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE,  
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING  
CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS  
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON**

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF  
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,  
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

**DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW**

**HANDICAPPED ACCESSIBLE**

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 026553

DATE 27 Sep 96 ACCOUNT R-001-6.150

Item 146 AMOUNT \$ 50.00

RECEIVED FROM: Mary Shaffer & Lucy Ford

FOR: Adv. No. 34552.1000 Parkville

MICROFILMED DE/9/10/27/2015  
BY 60442/2015 87 76 \$50.00  
VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 3, 1996

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-146-A (Item 146)  
3459 Liberty Parkway  
W/S Liberty Parkway, 290' S of c/l York Drive  
12th Election District - 5th Councilmanic  
Legal Owner(s): Mary Marie Shaffer and Lucy Frate  
Post by Date: 10/6/96  
Closing Date: 10/21/96

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Mary Marie Shaffer and Lucy Frate

[MICROFILMED]



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 18, 1996

Ms. Mary Shaffer and Ms. Lucy Frate  
3459 Liberty Parkway  
Baltimore, MD 21222

RE: Item No.: 146  
Case No.: 97-146-A  
Petitioner: Mary Shaffer, et al

Dear Ms. Shaffer and Ms. Frate:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 27, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", written over a faint, larger version of the same signature.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)



11/10/96

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 10/8/96

FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: OCT. 7, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:	130	135	147
	131	136	148
	132	142	
	133	(146)	

RBS:sp

BRUCE2/DEPRM/TXTSBP

ENCLOSURE



Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 10/07/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCT. 07, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 131, 132, 133, 134, 135, 136,  
137, 138, 139, 140, 141, 142, 146 AND 147.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



MICROFILMED

B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Permits and Development  
Management

**DATE:** October 4, 1996

**FROM:** Pat Keller, Director  
Office of Planning

**SUBJECT:** Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 131, 132, 133, 134, 135, 138, 140, 141, 142, 146, and 147

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Dany L. Lewis*

PK/JL



**Maryland Department of Transportation  
State Highway Administration**

David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

10/7/96

Ms. Roslyn Eubanks  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 146 (CAM)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

**MICROFILMED**

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

## PETITION PROBLEMS

### #137 --- JCM

1. No telephone number for legal owner.

### #138 --- MJK

1. No telephone number for legal owner.

### #140 --- JRA

1. Petition says zoning is R.C.-2; folder says D.R.-1.

### #141 --- JRA

1. No telephone number for legal owner.

### #145 --- JLL/JCM

1. No attorney signature on the variance form.

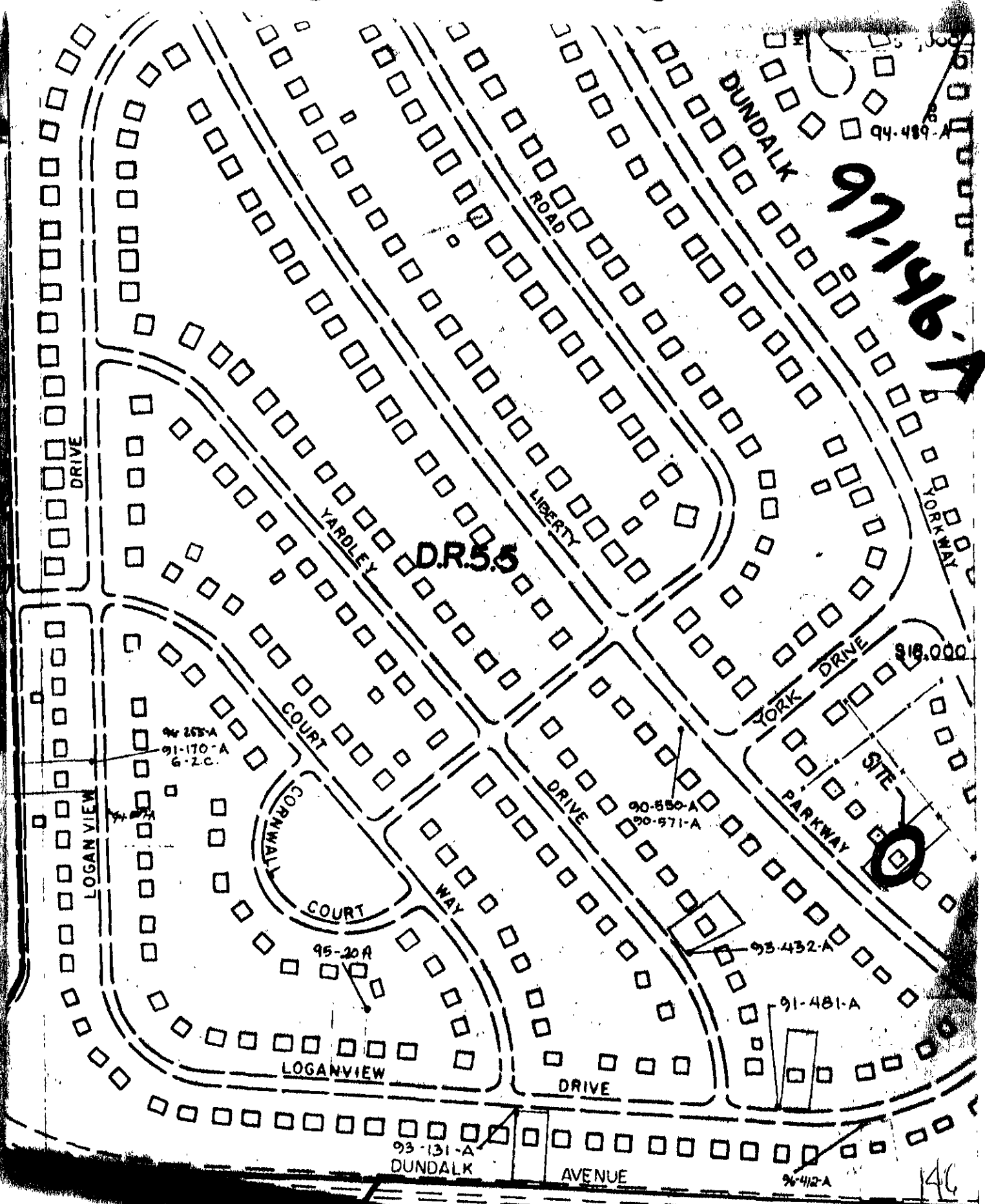
### #146 --- CAM

1. No signature for either legal owner on form.
2. No telephone number for legal owner.
3. No description for property on folder.

### #147 --- JCM

1. No item number on petition forms.
2. No review information on petition forms.

*ENCLOSURE*



97-146-A

DR. 5.5

\$16,000

SITE

146



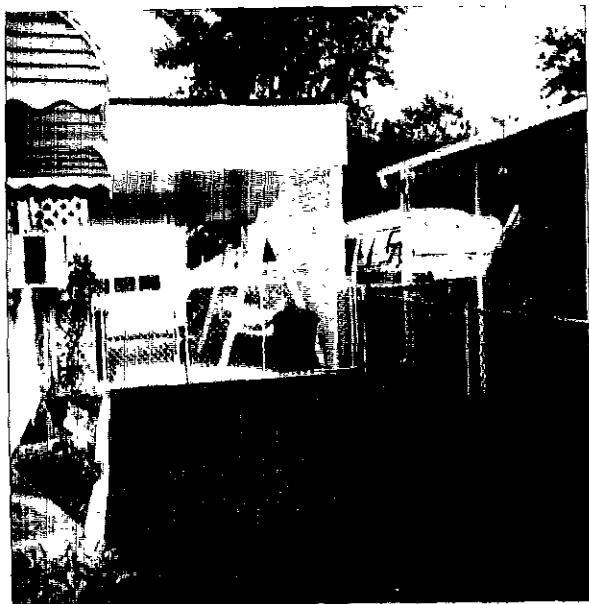
97-146-A



BACK VIEW  
3459 LIBERTY PKWY  
ITEM 146



3459 LIBERTY PKWY  
(FRONT)  
ITEM 146



ITEM 146



VIEW FROM SIDEWALK  
ITEM 146

MICROFILMED

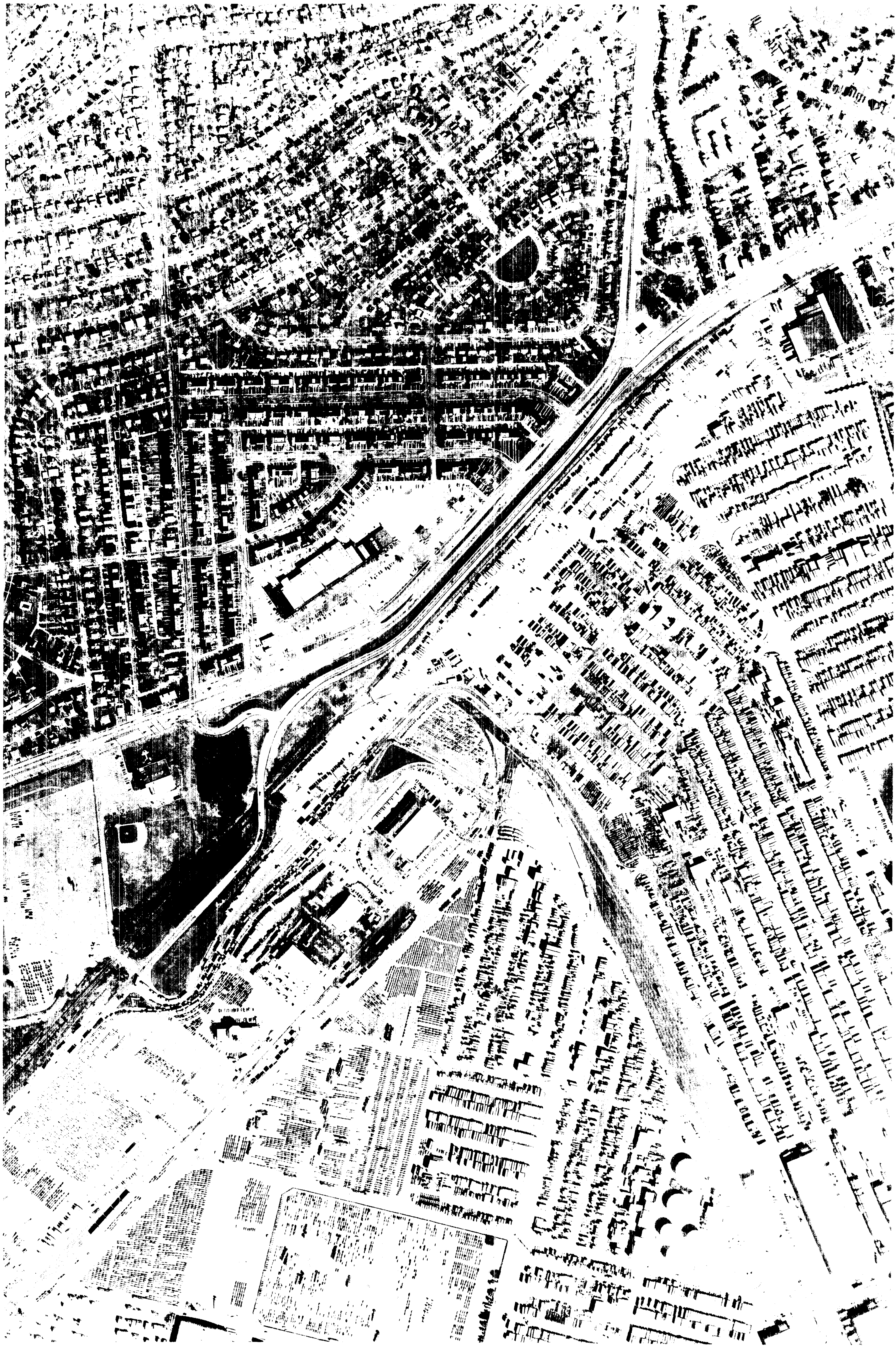
# ENGINEERS COST ESTIMATE FORM

DEPARTMENT OF PUBLIC WORKS

SHEET 2 OF 3

[illegible]





SCALE  
1" = 200' ±

LOCATION  
MICROFILMED,  
DUNDALK

SHEET  
S.E.  
5-E

DATE  
OF  
PHOTOGRAPHY  
JANUARY 1964

**97-146-A**

146

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP



IN RE: PETITION FOR ADMIN. VARIANCE \* BEFORE THE  
W/S Liberty Parkway, 290'S of the \* DEPUTY ZONING COMMISSIONER  
C/I of York Drive (3459 Liberty Parkway)  
12th Election District \* OF BALTIMORE COUNTY  
5th Councilmanic District \* Case No. 97-146-A  
Mary M. Shaffer and Lucy Frate  
Petitioners \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for the property known as 3459 Liberty Parkway, located in the vicinity of Dundalk Avenue in Dundalk. The Petition was filed by the owners of the property, Mary M. Shaffer and Lucy Frate. The Petitioners seek relief from Sections 1802.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6 inches in lieu of the minimum required 7.5 feet for an existing carport. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The property has been duly posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented. After due consideration of the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compli-

ance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of October, 1996 that the Petition for Administrative Variance seeking relief from Sections 1801.2.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6 inches in lieu of the minimum required 7.5 feet for an existing carport, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is contingent upon the carport remaining as it presently exists. The front and rear ends of the carport shall remain open and there shall be no further enclosure of the structure.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

October 24, 1996

Ms. Mary M. Shaffer and Ms. Lucy Frate  
3459 Liberty Parkway  
Baltimore, Maryland 21222

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
W/S Liberty Parkway, 290'S of the C/I of York Drive  
(3459 Liberty Parkway)  
12th Election District - 5th Councilmanic District  
Mary M. Shaffer and Lucy Frate - Petitioners  
Case No. 97-146-A

Dear Ms. Shaffer and Ms. Frate:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does not presently reside at

3459 Liberty Parkway  
Baltimore MD 21222  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hearing or practice difficulty)

Built carport to be used as a patio. Outer frame with

knee 5/8 T-1-11. Top half vinyl lattice. Built 6"

off of line. Will never be totally enclosed. Which is what

neighbor is afraid of.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Mary Marie Shaffer  
Lucy Frate  
Notary Public  
Baltimore County

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 27 day of SEP 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mary Marie Shaffer - Lucy Frate

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

4-1-2000

927-76

NOTARY PUBLIC  
BALTIMORE COUNTY

## 97-146-A ZONING DESCRIPTION FOR 3459 LIBERTY PARKWAY

BEGINNING AT A POINT ON THE WEST SIDE OF LIBERTY PARKWAY WHICH IS 60'-0" WIDE AT THE DISTANCE OF 290'-0" SOUTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET YORK DRIVE WHICH IS 50'-0" WIDE. BEING LOT #10, BLOCK 3000, SECTION #04 IN THE SUBDIVISION OF DUNDALK AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #14, FOLIO # 8,9, CONTAINING .162 ACRES. ALSO KNOWN AS 3459 LIBERTY PARKWAY AND LOCATED IN THE 12th ELECTION DISTRICT, 5th COUNCILMANIC DISTRICT.

For newspaper advertising:

Item No.: 146 Petitioner: LUCY SCHAEFFER & MARY FRATE

Location: 3459 LIBERTY PARKWAY

PLEASE FORWARD ADVERTISING BILL TO:

NAME: LUCY SCHAEFFER & MARY FRATE

ADDRESS: 3459 LIBERTY PARKWAY

BALTIMORE MD 21222

PHONE NUMBER: 410-282-2726

Printed with Soy-based Ink on Recycled Paper

12

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE, REVENUE DIVISION  
SCSCELLANEOUS CASH RECEIPT  
No. 026353  
DATE 27 Sep 96 ACCOUNT R-001-6150  
Jm 146  
AMOUNT \$ 50.00  
RECEIVED FROM Mary Shaffer & Lucy Frate  
FOR Adm. Var. 3459 Liberty Parkway  
BALTIMORE, MARYLAND 21222  
VALIDATION OR SIGNATURE OF CASHIER  
DATE RECEIVED FROM AGENT YELLOW - CUSTOMER

## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3459 Liberty Parkway  
97-146-A which is presently zoned DR 5.1

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 1802.3.C.1 and 301.1. A To ALLOW An open projection A setback of 6' in lieu of The Required 7.5'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Built carport which is used for patio, 6" from line.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Consent of Petitioner(s)

Name of Petitioner(s)

Signature

Address

City

State

Zip Code

Name of Petitioner(s)

Signature

Address

City

State

Zip Code

Name

Address

City

State

Zip Code

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Exhibit A

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 13 Oct 96

Format for Sign Printing, Black Letters on a White Background.

## ZONING NOTICE

### ADMINISTRATIVE VARIANCE

Case No. \_\_\_\_\_

### PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

956  
p002.doc



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 3, 1996

#### ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-146-1 (Item 146)  
3459 Liberty Parkway  
W/S Liberty Parkway, 200 S of 41 York Drive  
12th Election District - 5th Councilmanic  
Legal Owner(s): Mary Marie Shaffer and Lucy Frate  
Post by Date: 10/6/96  
Closing Date: 10/21/96

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/she may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As soon as the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

*Carl Jablon*  
Arnold Jablon  
Director

cc: Mary Marie Shaffer and Lucy Frate

Printed with Soybean Ink  
on Recycled Paper



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 18, 1996

Ms. Mary Shaffer and Ms. Lucy Frate  
3459 Liberty Parkway  
Baltimore, MD 21222

RE: Item No.: 146  
Case No.: 97-146-A  
Petitioner: Mary Shaffer, et al

Dear Ms. Shaffer and Ms. Frate:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 27, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/ee  
Attachment(s)

Printed with Soybean Ink  
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 10/3/96

FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: Oct. 7, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 130 135 147  
131 136 148  
132 142  
133 146

RBS:sp

BRUCE2/DEPRM/TXTSBP

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410)857-4850

DATE: 10/07/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCT. 07, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 146, AND 147.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: October 4, 1996

FROM: Pat Kellar, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 131, 132, 133, 134, 135, 138, 140, 141, 142, 146, and 147

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: *Jeffrey M. Long*  
Division Chief: *Darryl L. Keras*

PK/JL

ITEM131/PZONE/ZAC1



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

10/7/96

Ms. Roslyn Eubanks  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 146 (CAM)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Ronald Burns*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

#137 --- JCM

### PETITION PROBLEMS

1. No telephone number for legal owner.

#138 --- MJK

1. No telephone number for legal owner.

#140 --- JRA

1. Petition says zoning is R.C.-2; folder says D.R.-1.

#141 --- JRA

1. No telephone number for legal owner.

#145 --- JLL/JCM

1. No attorney signature on the variance form.

#146 --- CAM

1. No signature for either legal owner on form.
2. No telephone number for legal owner.
3. No description for property on folder.

#147 --- JCM

1. No item number on petition forms.
2. No review information on petition forms.

10/1/96









BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE  
1" = 200' ±

LOCATION

SHEET

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

DUNDALK

S.E.  
5-E

97-146-A

146